

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1130 - SB 2002

March 22, 2011

SUMMARY OF BILL: Increases, from a Class E to a Class D felony, the penalty for abuse of corpse.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$15,500/Incarceration*

Assumptions:

- Abuse of a corpse is currently a Class E felony with a sentencing range of one to six years. According to the Department of Correction (DOC), there has been an average of one admission for abuse of corpse offenses in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender receiving a Class D felony rather than a Class E felony for the abuse of a corpse.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served on a Class D felony is 1.97 years and 1.27 years on a Class E felony. The additional cost of increasing the average sentence length by 0.70 years (255.68 days) is \$15,499.32 (\$60.62 x 255.68 days).
- No recidivism discount has been applied to this estimate due to the small number of offenders.
- Any additional cost to the caseload of the court system can be accommodated within existing resources without an increased appropriation or a reduced reversion.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc